

# SENATE BILL No. 584

September 20, 2017, Introduced by Senators MEEKHOF, GREEN, PAVLOV and SHIRKEY  
and referred to the Committee on Government Operations.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 5a, 5b, 5d, and 5o (MCL 28.425a, 28.425b, 28.425d, and 28.425o), sections 5a, 5b, and 5o as amended by 2017 PA 95 and section 5d as amended by 2015 PA 3.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5a. (1) A license to carry a concealed pistol issued by a  
2 concealed weapon licensing board before December 1, 2015 is valid  
3 and remains in effect until the expiration of that license or as  
4 otherwise provided by law.

5           (2) The county clerk is responsible for all of the following:

6           (a) Storing and maintaining all records related to issuing a  
7 license or notice of statutory disqualification in that county.

8           (b) Issuing licenses to carry a concealed pistol.

9           (c) Issuing notices of statutory disqualification, notices of  
10 suspensions, and notices of revocations.

11           (3) The department of state police shall verify under section  
12 5b(6) whether an applicant for a license to carry a concealed  
13 pistol is eligible to receive a license to carry a concealed  
14 pistol.

15           (4) A county clerk shall issue an emergency license to carry a  
16 concealed pistol to an individual if the individual has obtained a  
17 personal protection order issued under section 2950 or 2950a of the  
18 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
19 600.2950a, or to that individual if a county sheriff determines  
20 that there is clear and convincing evidence to believe the safety  
21 of the individual or the safety of a member of the individual's  
22 family or household is endangered by the individual's inability to  
23 immediately obtain a license to carry a concealed pistol. Clear and  
24 convincing evidence includes, but is not limited to, an application  
25 for a personal protection order, police reports and other law  
26 enforcement records, or written, audio, or visual evidence of  
27 threats to the individual or member of the individual's family or

1 household. A county clerk shall only issue an emergency license to  
2 carry a concealed pistol to an individual who has obtained a  
3 personal protection order if the individual is eligible under  
4 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive  
5 a license based on a criminal record check through the law  
6 enforcement information network conducted by the department of  
7 state police. The county sheriff shall only issue a determination  
8 under this subsection to an individual who is eligible under  
9 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive  
10 a license based on a criminal record check through the law  
11 enforcement information network and only after the county sheriff  
12 has taken the individual's fingerprints in compliance with section  
13 5b(9). A county sheriff shall notify the county clerk if the county  
14 sheriff determines that an individual is not eligible under section  
15 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a  
16 license. An emergency license must be on a form provided by the  
17 department of state police. An individual who applies for an  
18 emergency license shall, within 10 business days after applying for  
19 an emergency license, complete a pistol training course under  
20 section 5j and apply for a license under section 5b. If an  
21 individual who applies for an emergency license does not complete a  
22 pistol training course under section 5j and apply for a license  
23 under section 5b within 10 business days after applying for an  
24 emergency license, that individual's emergency license is no longer  
25 valid. A county sheriff who makes a determination under this  
26 section, performs a criminal record check, and takes the  
27 applicant's fingerprints may charge a fee not to exceed \$15.00. A

1 county clerk may charge a fee not to exceed \$10.00 for printing an  
2 emergency license. A county clerk shall deposit a fee collected by  
3 the county clerk under this subsection in the concealed pistol  
4 licensing fund of that county created in section 5x. Except as  
5 otherwise provided in this subsection, an emergency license is  
6 valid for 45 days or until the county clerk issues a notice of  
7 statutory disqualification, whichever occurs first. Except as  
8 otherwise provided in this act, an emergency license is, for all  
9 other purposes of this act, a license to carry a concealed pistol.  
10 The county clerk shall include an indication on the license if an  
11 individual is exempt from the prohibitions against carrying a  
12 concealed pistol on premises described in section 5o if the  
13 applicant provides acceptable proof that he or she qualifies for  
14 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**  
15 **INDORSEMENT ON HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE**  
16 **EXEMPTION UNDER SECTION 5o(5) (I)**. An individual shall not obtain  
17 more than 1 emergency license in any 5-year period. If a county  
18 clerk issues a notice of statutory disqualification to an applicant  
19 who received an emergency license under this section, the applicant  
20 shall immediately surrender the emergency license to the county  
21 clerk by mail or in person if that emergency license has not  
22 expired. An individual who fails to surrender a license as required  
23 by this subsection after he or she is notified of a statutory  
24 disqualification is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 93 days or a fine of not more than  
26 \$500.00, or both.

27 (5) The legislative service bureau shall compile the firearms

1 laws of this state, including laws that apply to carrying a  
2 concealed pistol, and shall provide copies of the compilation in an  
3 electronic format to the department of state police. The department  
4 of state police shall provide a copy of the compiled laws to each  
5 county clerk in this state. The department of state police shall  
6 also provide forms to appeal any notice of statutory  
7 disqualification, or suspension or revocation of a license under  
8 this act. The department of state police shall distribute copies of  
9 the compilation and forms required under this subsection in an  
10 electronic format to each county clerk. The county clerk shall  
11 distribute a copy of the compilation and forms at no charge to each  
12 individual who applies for a license to carry a concealed pistol at  
13 the time the application is submitted. The county clerk may  
14 distribute copies of the compilation and forms required under this  
15 subsection in an electronic format. The county clerk shall require  
16 the applicant to sign a written statement acknowledging that he or  
17 she has received a copy of the compilation and forms provided under  
18 this subsection. An individual is not eligible to receive a license  
19 to carry a concealed pistol until he or she has signed the  
20 statement.

21       Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
22 an individual shall apply to the county clerk in the county in  
23 which the individual resides. The applicant shall file the  
24 application with the county clerk in the county in which the  
25 applicant resides during the county clerk's normal business hours.  
26 The application must be on a form provided by the director of the  
27 department of state police and allow the applicant to designate

1 whether the applicant seeks an emergency license **AND WHETHER HE OR**  
2 **SHE SEEKS AN EXEMPTION FROM THE PROHIBITION AGAINST CARRYING A**  
3 **CONCEALED PISTOL ON THE PREMISES DESCRIBED IN SECTION 5o.** The  
4 applicant shall sign the application under oath. The county clerk  
5 or his or her representative shall administer the oath. An  
6 application under this subsection is not considered complete until  
7 an applicant submits all of the required information and fees and  
8 has fingerprints taken under subsection (9). An application under  
9 this subsection is considered withdrawn if an applicant does not  
10 have fingerprints taken under subsection (9) within 45 days of the  
11 date an application is filed under this subsection. A completed  
12 application and all receipts issued under this section expire 1  
13 year from the date of application. The county clerk shall issue the  
14 applicant a receipt for his or her application at the time the  
15 application is submitted containing the name of the applicant, the  
16 applicant's state-issued driver license or personal identification  
17 card number, the date and time the receipt is issued, the amount  
18 paid, the name of the county in which the receipt is issued, an  
19 impression of the county seal, and the statement, "This receipt was  
20 issued for the purpose of applying for a concealed pistol license  
21 and for obtaining fingerprints related to that application. This  
22 receipt does not authorize an individual to carry a concealed  
23 pistol in this state.". The application must contain all of the  
24 following:

25 (a) The applicant's legal name, date of birth, the address of  
26 his or her primary residence, and his or her state-issued driver  
27 license or personal identification card number.

1 (b) A statement by the applicant that the applicant meets the  
2 criteria for a license under this act to carry a concealed pistol.

3 (c) A statement by the applicant authorizing the department of  
4 state police to access any record needed to perform the  
5 verification in subsection (6).

6 (d) A statement by the applicant regarding whether he or she  
7 has a history of mental illness that would disqualify him or her  
8 under subsection (7)(j) to (l) from receiving a license to carry a  
9 concealed pistol.

10 (e) A statement by the applicant regarding whether he or she  
11 has ever been convicted in this state or elsewhere for any of the  
12 following:

13 (i) Any felony.

14 (ii) A misdemeanor listed under subsection (7)(h) if the  
15 applicant was convicted of that misdemeanor in the 8 years  
16 immediately preceding the date of the application, or a misdemeanor  
17 listed under subsection (7)(i) if the applicant was convicted of  
18 that misdemeanor in the 3 years immediately preceding the date of  
19 the application.

20 (f) A statement by the applicant whether he or she has been  
21 dishonorably discharged from the United States Armed Forces.

22 (g) If an applicant does not have a digitized photograph on  
23 file with the secretary of state, a passport-quality photograph of  
24 the applicant provided by the applicant at the time of application.

25 (h) A certificate stating that the applicant has completed the  
26 training course prescribed by this act.

27 (2) The county clerk shall not require the applicant to submit

1 any additional forms, documents, letters, or other evidence of  
2 eligibility for obtaining a license to carry a concealed pistol  
3 except as set forth in subsection (1) or as otherwise provided for  
4 in this act. The application form must contain a conspicuous  
5 warning that the application is executed under oath and that  
6 intentionally making a material false statement on the application  
7 is a felony punishable by imprisonment for not more than 4 years or  
8 a fine of not more than \$2,500.00, or both.

9 (3) An individual who intentionally makes a material false  
10 statement on an application under subsection (1) is guilty of a  
11 felony punishable by imprisonment for not more than 4 years or a  
12 fine of not more than \$2,500.00, or both.

13 (4) The county clerk shall retain a copy of each application  
14 for a license to carry a concealed pistol as an official record.  
15 One year after the expiration of a concealed pistol license, the  
16 county clerk may destroy the record and a name index of the record  
17 shall be maintained in the database created in section 5e.

18 (5) Each applicant shall pay a nonrefundable application and  
19 licensing fee of \$100.00 by any method of payment accepted by that  
20 county for payments of other fees and penalties. Except as provided  
21 in subsection (9), no other charge, fee, cost, or assessment,  
22 including any local charge, fee, cost, or assessment, is required  
23 of the applicant except as specifically authorized in this act. The  
24 applicant shall pay the application and licensing fee to the  
25 county. The county treasurer shall deposit \$26.00 of each  
26 application and licensing fee collected under this section in the  
27 concealed pistol licensing fund of that county created in section



1 5x. The county treasurer shall forward the balance remaining to the  
2 state treasurer. The state treasurer shall deposit the balance of  
3 the fee in the general fund to the credit of the department of  
4 state police. The department of state police shall use the money  
5 received under this act to process the fingerprints and to  
6 reimburse the Federal Bureau of Investigation for the costs  
7 associated with processing fingerprints submitted under this act.  
8 The balance of the money received under this act must be credited  
9 to the department of state police.

10 (6) The department of state police shall verify the  
11 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),  
12 and (m) through the law enforcement information network and the  
13 national instant criminal background check system and shall report  
14 to the county clerk all statutory disqualifications, if any, under  
15 this act that apply to an applicant.

16 (7) The county clerk shall issue and shall send by first-class  
17 mail a license to an applicant to carry a concealed pistol within  
18 the period required under this act if the county clerk determines  
19 that all of the following circumstances exist:

20 (a) The applicant is 21 years of age or older.

21 (b) The applicant is a citizen of the United States or is an  
22 alien lawfully admitted into the United States, is a legal resident  
23 of this state, and has resided in this state for not less than the  
24 6 months immediately preceding the date of application. The county  
25 clerk shall waive the 6-month residency requirement for an  
26 emergency license under section 5a(4) if the applicant is a  
27 petitioner for a personal protection order issued under section

1 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,  
2 MCL 600.2950 and 600.2950a, or if the county sheriff determines  
3 that there is clear and convincing evidence to believe that the  
4 safety of the applicant or the safety of a member of the  
5 applicant's family or household is endangered by the applicant's  
6 inability to immediately obtain a license to carry a concealed  
7 pistol. If the applicant holds a valid concealed pistol license  
8 issued by another state at the time the applicant's residency in  
9 this state is established, the county clerk shall waive the 6-month  
10 residency requirement and the applicant may apply for a concealed  
11 pistol license at the time the applicant's residency in this state  
12 is established. For the purposes of this section, an individual is  
13 considered a legal resident of this state if any of the following  
14 apply:

15 (i) The individual has a valid, lawfully obtained driver  
16 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
17 257.1 to 257.923, or official state personal identification card  
18 issued under 1972 PA 222, MCL 28.291 to 28.300.

19 (ii) The individual is lawfully registered to vote in this  
20 state.

21 (iii) The individual is on active duty status with the United  
22 States Armed Forces and is stationed outside of this state, but the  
23 individual's home of record is in this state.

24 (iv) The individual is on active duty status with the United  
25 States Armed Forces and is permanently stationed in this state, but  
26 the individual's home of record is in another state.

27 (c) The applicant has knowledge and has had training in the

1 safe use and handling of a pistol by the successful completion of a  
2 pistol safety training course or class that meets the requirements  
3 of section 5j.

4 (d) Based solely on the report received from the department of  
5 state police under subsection (6), the applicant is not the subject  
6 of an order or disposition under any of the following:

7 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
8 330.1464a.

9 (ii) Section 5107 of the estates and protected individuals  
10 code, 1998 PA 386, MCL 700.5107.

11 (iii) Sections 2950 and 2950a of the revised judicature act of  
12 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

13 (iv) Section 6b of chapter V of the code of criminal  
14 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
15 imposed under section 6b(3) of chapter V of the code of criminal  
16 procedure, 1927 PA 175, MCL 765.6b.

17 (v) Section 16b of chapter IX of the code of criminal  
18 procedure, 1927 PA 175, MCL 769.16b.

19 (e) Based solely on the report received from the department of  
20 state police under subsection (6), the applicant is not prohibited  
21 from possessing, using, transporting, selling, purchasing,  
22 carrying, shipping, receiving, or distributing a firearm under  
23 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

24 (f) Based solely on the report received from the department of  
25 state police under subsection (6), the applicant has never been  
26 convicted of a felony in this state or elsewhere, and a felony  
27 charge against the applicant is not pending in this state or

1 elsewhere at the time he or she applies for a license described in  
2 this section.

3 (g) The applicant has not been dishonorably discharged from  
4 the United States Armed Forces.

5 (h) Based solely on the report received from the department of  
6 state police under subsection (6), the applicant has not been  
7 convicted of a misdemeanor violation of any of the following in the  
8 8 years immediately preceding the date of application and a charge  
9 for a misdemeanor violation of any of the following is not pending  
10 against the applicant in this state or elsewhere at the time he or  
11 she applies for a license described in this section:

12 (i) Section 617a (failing to stop when involved in a personal  
13 injury accident), section 625 as punishable under subsection (9)(b)  
14 of that section (operating while intoxicated, second offense),  
15 section 625m as punishable under subsection (4) of that section  
16 (operating a commercial vehicle with alcohol content, second  
17 offense), section 626 (reckless driving), or a violation of section  
18 904(1) (operating while license suspended or revoked, second or  
19 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
20 257.617a, 257.625, 257.625m, 257.626, and 257.904.

21 (ii) Section 185(7) of the aeronautics code of the state of  
22 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under  
23 the influence of intoxicating liquor or a controlled substance with  
24 prior conviction).

25 (iii) Section 29 of the weights and measures act, 1964 PA 283,  
26 MCL 290.629 (hindering or obstructing certain persons performing  
27 official weights and measures duties).

1           (iv) Section 10 of the motor fuels quality act, 1984 PA 44,  
2 MCL 290.650 (hindering, obstructing, assaulting, or committing  
3 bodily injury upon director or authorized representative).

4           (v) Section 80176 as punishable under section 80177(1)(b)  
5 (operating vessel under the influence of intoxicating liquor or a  
6 controlled substance, second offense), section 81134 as punishable  
7 under subsection (8)(b) of that section (operating ORV under the  
8 influence of intoxicating liquor or a controlled substance, second  
9 or subsequent offense), or section 82127 as punishable under  
10 section 82128(1)(b) (operating snowmobile under the influence of  
11 intoxicating liquor or a controlled substance, second offense) of  
12 the natural resources and environmental protection act, 1994 PA  
13 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

14           (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
15 333.7403 (possession of controlled substance, controlled substance  
16 analogue, or prescription form).

17           (vii) Section 353 of the railroad code of 1993, 1993 PA 354,  
18 MCL 462.353, punishable under subsection (4) of that section  
19 (operating locomotive under the influence of intoxicating liquor or  
20 a controlled substance, or while visibly impaired, second offense).

21           (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying  
22 sexually explicit matter to minors).

23           (ix) Section 81 (assault or domestic assault), section 81a(1)  
24 or (2) (aggravated assault or aggravated domestic assault), section  
25 115 (breaking and entering or entering without breaking), section  
26 136b(7) (fourth degree child abuse), section 145n (vulnerable adult  
27 abuse), section 157b(3)(b) (solicitation to commit a felony),

1 section 215 (impersonating peace officer or medical examiner),  
2 section 223 (illegal sale of a firearm or ammunition), section 224d  
3 (illegal use or sale of a self-defense spray), section 226a (sale  
4 or possession of a switchblade), section 227c (improper  
5 transportation of a loaded firearm), section 229 (accepting a  
6 pistol in pawn), section 232a (improperly obtaining a pistol,  
7 making a false statement on an application to purchase a pistol, or  
8 using false identification to purchase a pistol), section 233  
9 (intentionally aiming a firearm without malice), section 234  
10 (intentionally discharging a firearm aimed without malice), section  
11 234d (possessing a firearm on prohibited premises), section 234e  
12 (brandishing a firearm in public), section 234f (possession of a  
13 firearm by an individual less than 18 years of age), section 235  
14 (intentionally discharging a firearm aimed without malice causing  
15 injury), section 235a (parent of a minor who possessed a firearm in  
16 a weapon free school zone), section 236 (setting a spring gun or  
17 other device), section 237 (possessing a firearm while under the  
18 influence of intoxicating liquor or a controlled substance),  
19 section 237a (weapon free school zone violation), section 335a  
20 (indecent exposure), section 411h (stalking), or section 520e  
21 (fourth degree criminal sexual conduct) of the Michigan penal code,  
22 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,  
23 750.157b, 750.215, 750.223, 750.224d, 750.226a, 750.227c, 750.229,  
24 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,  
25 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and  
26 750.520e.

27 (x) Former section 228 of the Michigan penal code, 1931 PA

1 328.

2 (xi) Section 1 (reckless, careless, or negligent use of a  
3 firearm resulting in injury or death), section 2 (careless,  
4 reckless, or negligent use of a firearm resulting in property  
5 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
6 45, MCL 752.861, 752.862, and 752.863a.

7 (xii) A violation of a law of the United States, another  
8 state, or a local unit of government of this state or another state  
9 substantially corresponding to a violation described in  
10 subparagraphs (i) to (xi).

11 (i) Based solely on the report received from the department of  
12 state police under subsection (6), the applicant has not been  
13 convicted of a misdemeanor violation of any of the following in the  
14 3 years immediately preceding the date of application unless the  
15 misdemeanor violation is listed under subdivision (h) and a charge  
16 for a misdemeanor violation of any of the following is not pending  
17 against the applicant in this state or elsewhere at the time he or  
18 she applies for a license described in this section:

19 (i) Section 625 (operating under the influence), section 625a  
20 (refusal of commercial vehicle operator to submit to a chemical  
21 test), section 625k (ignition interlock device reporting  
22 violation), section 625l (circumventing an ignition interlock  
23 device), or section 625m punishable under subsection (3) of that  
24 section (operating a commercial vehicle with alcohol content) of  
25 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
26 257.625k, 257.625l, and 257.625m.

27 (ii) Section 185 of the aeronautics code of the state of

1 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the  
2 influence).

3 (iii) Section 81134 (operating ORV under the influence or  
4 operating ORV while visibly impaired), or section 82127 (operating  
5 a snowmobile under the influence) of the natural resources and  
6 environmental protection act, 1994 PA 451, MCL 324.81134 and  
7 324.82127.

8 (iv) Part 74 of the public health code, 1978 PA 368, MCL  
9 333.7401 to 333.7461 (controlled substance violation).

10 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
11 462.353, punishable under subsection (3) of that section (operating  
12 locomotive under the influence).

13 (vi) Section 167 (disorderly person), section 174  
14 (embezzlement), section 218 (false pretenses with intent to  
15 defraud), section 356 (larceny), section 356d (second degree retail  
16 fraud), section 359 (larceny from a vacant building or structure),  
17 section 362 (larceny by conversion), section 362a (larceny -  
18 defrauding lessor), section 377a (malicious destruction of  
19 property), section 380 (malicious destruction of real property),  
20 section 535 (receiving or concealing stolen property), or section  
21 540e (malicious use of telecommunications service or device) of the  
22 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
23 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
24 750.535, and 750.540e.

25 (vii) A violation of a law of the United States, another  
26 state, or a local unit of government of this state or another state  
27 substantially corresponding to a violation described in



1 subparagraphs (i) to (vi).

2 (j) Based solely on the report received from the department of  
3 state police under subsection (6), the applicant has not been found  
4 guilty but mentally ill of any crime and has not offered a plea of  
5 not guilty of, or been acquitted of, any crime by reason of  
6 insanity.

7 (k) Based solely on the report received from the department of  
8 state police under subsection (6), the applicant is not currently  
9 and has never been subject to an order of involuntary commitment in  
10 an inpatient or outpatient setting due to mental illness.

11 (l) The applicant has filed a statement under subsection  
12 (1)(d) that the applicant does not have a diagnosis of mental  
13 illness that includes an assessment that the individual presents a  
14 danger to himself or herself or to another at the time the  
15 application is made, regardless of whether he or she is receiving  
16 treatment for that illness.

17 (m) Based solely on the report received from the department of  
18 state police under subsection (6), the applicant is not under a  
19 court order of legal incapacity in this state or elsewhere.

20 (n) The applicant has a valid state-issued driver license or  
21 personal identification card.

22 (8) Upon entry of a court order or conviction of 1 of the  
23 enumerated prohibitions for using, transporting, selling,  
24 purchasing, carrying, shipping, receiving, or distributing a  
25 firearm in this section the department of state police shall  
26 immediately enter the order or conviction into the law enforcement  
27 information network. For purposes of this act, information of the

1 court order or conviction must not be removed from the law  
2 enforcement information network, but may be moved to a separate  
3 file intended for the use of the department of state police, the  
4 courts, and other government entities as necessary and exclusively  
5 to determine eligibility to be licensed under this act.

6 (9) An individual, after submitting an application and paying  
7 the fee prescribed under subsection (5), shall request that  
8 classifiable fingerprints be taken by a county clerk, the  
9 department of state police, a county sheriff, a local police  
10 agency, or other entity, if the county clerk, department of state  
11 police, county sheriff, local police agency, or other entity  
12 provides fingerprinting capability for the purposes of this act. An  
13 individual who has had classifiable fingerprints taken under  
14 section 5a(4) does not need additional fingerprints taken under  
15 this subsection. If the individual requests that classifiable  
16 fingerprints be taken by the county clerk, department of state  
17 police, county sheriff, a local police agency, or other entity, the  
18 individual shall also pay a fee of \$15.00 by any method of payment  
19 accepted for payments of other fees and penalties. A county clerk  
20 shall deposit any fee it accepts under this subsection in the  
21 concealed pistol licensing fund of that county created in section  
22 5x. The county clerk, department of state police, county sheriff,  
23 local police agency, or other entity shall take the fingerprints  
24 within 5 business days after the request. County clerks, the  
25 department of state police, county sheriffs, local police agencies,  
26 and other entities shall provide reasonable access to  
27 fingerprinting services during normal business hours as is

1 necessary to comply with the requirements of this act if the county  
2 clerk, department of state police, county sheriff, local police  
3 agency, or other entity provides fingerprinting capability for the  
4 purposes of this act. The entity providing fingerprinting services  
5 shall issue the individual a receipt at the time his or her  
6 fingerprints are taken. The county clerk, department of state  
7 police, county sheriff, local police agency, or other entity shall  
8 not provide a receipt under this subsection unless the individual  
9 requesting the fingerprints provides an application receipt  
10 received under subsection (1). A receipt under this subsection must  
11 contain all of the following:

- 12 (a) The name of the individual.
- 13 (b) The date and time the receipt is issued.
- 14 (c) The amount paid.
- 15 (d) The name of the entity providing the fingerprint services.
- 16 (e) The individual's state-issued driver license or personal  
17 identification card number.
- 18 (f) The statement "This receipt was issued for the purpose of  
19 applying for a concealed pistol license. As provided in section 5b  
20 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory  
21 disqualification is not issued within 45 days after the date this  
22 receipt was issued, this receipt shall serve as a concealed pistol  
23 license for the individual named in the receipt when carried with  
24 an official state-issued driver license or personal identification  
25 card. The receipt is valid as a license until a license or notice  
26 of statutory disqualification is issued by the county clerk. This  
27 receipt does not exempt the individual named in the receipt from

1 complying with all applicable laws for the purchase of firearms.".

2 (10) The fingerprints must be taken, under subsection (9), in  
3 a manner prescribed by the department of state police. The county  
4 clerk, county sheriff, local police agency, or other entity shall  
5 immediately forward the fingerprints taken by that entity to the  
6 department of state police for comparison with fingerprints already  
7 on file with the department of state police. The department of  
8 state police shall immediately forward the fingerprints to the  
9 Federal Bureau of Investigation. Within 5 business days after  
10 completing the verification under subsection (6), the department  
11 shall send the county clerk a list of an individual's statutory  
12 disqualifications under this act. Except as provided in section  
13 5a(4), the county clerk shall not issue a concealed pistol license  
14 until he or she receives the report of statutory disqualifications  
15 prescribed in this subsection. If an individual's fingerprints are  
16 not classifiable, the department of state police shall, at no  
17 charge, take the individual's fingerprints again or provide for the  
18 comparisons under this subsection to be conducted through  
19 alternative means. The county clerk shall not issue a notice of  
20 statutory disqualification because an individual's fingerprints are  
21 not classifiable by the Federal Bureau of Investigation.

22 (11) The county clerk shall send by first-class mail a notice  
23 of statutory disqualification for a license under this act to an  
24 individual if the individual is not qualified under subsection (7)  
25 to receive that license.

26 (12) A license to carry a concealed pistol that is issued  
27 based upon an application that contains a material false statement

1 is void from the date the license is issued.

2 (13) Subject to subsection (10), the department of state  
3 police shall complete the verification required under subsection  
4 (6) and the county clerk shall issue a license or a notice of  
5 statutory disqualification within 45 days after the date the  
6 individual has classifiable fingerprints taken under subsection  
7 (9). The county clerk shall include an indication on the license if  
8 an individual is exempt from the prohibitions against carrying a  
9 concealed pistol on premises described in section 50 if the  
10 applicant provides acceptable proof that he or she qualifies for  
11 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**  
12 **INDORSEMENT ON HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE**  
13 **EXEMPTION UNDER SECTION 50(5) (I)**. If the county clerk receives  
14 notice from a county sheriff or chief law enforcement officer that  
15 a licensee is no longer a member of a sheriff's posse, an auxiliary  
16 officer, or a reserve officer, the county clerk shall notify the  
17 licensee that he or she shall surrender the concealed pistol  
18 license indicating that the individual is exempt from the  
19 prohibitions against carrying a concealed pistol on premises  
20 described in section 50. The licensee shall, within 30 days after  
21 receiving notice from the county clerk, surrender the license  
22 indicating that the individual is exempt from the prohibitions  
23 against carrying a concealed pistol on premises described in  
24 section 50 and obtain a replacement license after paying the fee  
25 required under subsection (15). If the county clerk issues a notice  
26 of statutory disqualification, the county clerk shall within 5  
27 business days do all of the following:

1 (a) Inform the individual in writing of the reasons for the  
2 denial or disqualification. Information under this subdivision  
3 shall ~~shall~~ **MUST** include all of the following:

4 (i) A statement of each statutory disqualification identified.

5 (ii) The source of the record for each statutory  
6 disqualification identified.

7 (iii) The contact information for the source of the record for  
8 each statutory disqualification identified.

9 (b) Inform the individual in writing of his or her right to  
10 appeal the denial or notice of statutory disqualification to the  
11 circuit court as provided in section 5d.

12 (c) Inform the individual that he or she should contact the  
13 source of the record for any statutory disqualification to correct  
14 any errors in the record resulting in the statutory  
15 disqualification.

16 (14) If a license or notice of statutory disqualification is  
17 not issued under subsection (13) within 45 days after the date the  
18 individual has classifiable fingerprints taken under subsection  
19 (9), the receipt issued under subsection (9) serves as a concealed  
20 pistol license for purposes of this act when carried with a state-  
21 issued driver license or personal identification card and is valid  
22 until a license or notice of statutory disqualification is issued  
23 by the county clerk.

24 (15) If an individual licensed under this act to carry a  
25 concealed pistol moves to a different county within this state, his  
26 or her license remains valid until it expires or is otherwise  
27 suspended or revoked under this act. An individual may notify a

1 county clerk that he or she has moved to a different address within  
2 this state for the purpose of receiving the notice under section  
3 5/(1). A license to carry a concealed pistol that is lost, stolen,  
4 defaced, or replaced for any other reason may be replaced by the  
5 issuing county clerk for a replacement fee of \$10.00. A county  
6 clerk shall deposit a replacement fee under this subsection in the  
7 concealed pistol licensing fund of that county created in section  
8 5x.

9 (16) If a license issued under this act is suspended or  
10 revoked, the license is forfeited and the individual shall return  
11 the license to the county clerk forthwith by mail or in person. The  
12 county clerk shall retain a suspended or revoked license as an  
13 official record 1 year after the expiration of the license, unless  
14 the license is reinstated or a new license is issued. The county  
15 clerk shall notify the department of state police if a license is  
16 suspended or revoked. The department of state police shall enter  
17 that suspension or revocation into the law enforcement information  
18 network. An individual who fails to return a license as required  
19 under this subsection after he or she was notified that his or her  
20 license was suspended or revoked is guilty of a misdemeanor  
21 punishable by imprisonment for not more than 93 days or a fine of  
22 not more than \$500.00, or both.

23 (17) An applicant or an individual licensed under this act to  
24 carry a concealed pistol may be furnished a copy of his or her  
25 application under this section upon request and the payment of a  
26 reasonable fee not to exceed \$1.00. The county clerk shall deposit  
27 any fee collected under this subsection in the concealed pistol

1 licensing fund of that county created in section 5x.

2 (18) This section does not prohibit the county clerk from  
3 making public and distributing to the public at no cost lists of  
4 individuals who are certified as qualified instructors as  
5 prescribed under section 5j.

6 (19) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION  
7 FROM SECTION 5o AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL  
8 OR RENEWAL LICENSE UNDER THIS ACT IS NOT REQUIRED TO PAY ANY  
9 ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO  
10 APPLIES FOR AN EXEMPTION FROM SECTION 5o AT A TIME OTHER THAN AT  
11 THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE  
12 UNDER THIS ACT MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN \$20.00  
13 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE EXEMPTION  
14 AND ISSUING A REPLACEMENT LICENSE. THE EXEMPTION MUST APPEAR AS AN  
15 INDORSEMENT ON THE FACE OF THE LICENSE. THE COUNTY CLERK SHALL  
16 DEPOSIT THE FEE COLLECTED UNDER THIS SUBSECTION IN THE CONCEALED  
17 PISTOL LICENSING FUND OF THAT COUNTY CREATED UNDER SECTION 5X.

18 (20) ~~(19)~~—A county clerk issuing an initial license or renewal  
19 license under this act shall mail the license to the licensee by  
20 first-class mail in a sealed envelope. Upon payment of the fee  
21 under subsection (15), a county clerk shall issue a replacement  
22 license in person at the time of application for a replacement  
23 license. A county clerk may also deliver a replacement license by  
24 first-class mail if the individual submits to the clerk a written  
25 request and a copy of the individual's state-issued driver license  
26 or personal identification card.

27 (21) ~~(20)~~—A county clerk, county sheriff, county prosecuting



1 attorney, police department, or the department of state police is  
2 not liable for civil damages as a result of issuing a license under  
3 this act to an individual who later commits a crime or a negligent  
4 act.

5 (22) ~~(21)~~—An individual licensed under this act to carry a  
6 concealed pistol may voluntarily surrender that license without  
7 explanation. A county clerk shall retain a surrendered license as  
8 an official record for 1 year after the license is surrendered. If  
9 an individual voluntarily surrenders a license under this  
10 subsection, the county clerk shall notify the department of state  
11 police. The department of state police shall enter into the law  
12 enforcement information network that the license was voluntarily  
13 surrendered and the date the license was voluntarily surrendered.

14 (23) ~~(22)~~—As used in this section:

15 (a) "Acceptable proof" means any of the following:

16 (i) For a retired police officer or retired law enforcement  
17 officer, the officer's retired identification or a letter from a  
18 law enforcement agency stating that the retired police officer or  
19 law enforcement officer retired in good standing.

20 (ii) For an individual who is employed or contracted by an  
21 entity described under section 50(1) to provide security services,  
22 a letter from that entity stating that the employee is required by  
23 his or her employer or the terms of a contract to carry a concealed  
24 firearm on the premises of the employing or contracting entity and  
25 his or her employee identification.

26 (iii) For an individual who is licensed as a private  
27 investigator or private detective under the professional

1 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,  
2 his or her license.

3 (iv) For an individual who is a corrections officer of a  
4 county sheriff's department, his or her employee identification and  
5 a letter stating that the individual has received county sheriff  
6 approved weapons training.

7 (v) For an individual who is a retired corrections officer of  
8 a county sheriff's department, a letter from the county sheriff's  
9 office stating that the retired corrections officer retired in good  
10 standing and that the individual has received county sheriff  
11 approved weapons training.

12 (vi) For an individual who is a motor carrier officer or  
13 capitol security officer of the department of state police, his or  
14 her employee identification.

15 (vii) For an individual who is a member of a sheriff's posse,  
16 his or her identification.

17 (viii) For an individual who is an auxiliary officer or  
18 reserve officer of a police or sheriff's department, his or her  
19 employee identification.

20 (ix) For an individual who is a parole, probation, or  
21 corrections officer, or absconder recovery unit member, of the  
22 department of corrections, his or her employee identification and  
23 proof that the individual obtained a Michigan department of  
24 corrections weapons permit.

25 (x) For an individual who is a retired parole, probation, or  
26 corrections officer, or retired absconder recovery unit member, of  
27 the department of corrections, a letter from the department of

1 corrections stating that the retired parole, probation, or  
2 corrections officer, or retired absconder recovery unit member,  
3 retired in good standing and proof that the individual obtained a  
4 Michigan department of corrections weapons permit.

5 (xi) For a state court judge or state court retired judge, a  
6 letter from the judicial tenure commission stating that the state  
7 court judge or state court retired judge is in good standing.

8 (xii) For an individual who is a court officer, his or her  
9 employee identification.

10 (xiii) For a retired federal law enforcement officer, the  
11 identification required under the law enforcement officers safety  
12 act or a letter from a law enforcement agency stating that the  
13 retired federal law enforcement officer retired in good standing.

14 (xiv) For an individual who is a peace officer, his or her  
15 employee identification.

16 (b) "Convicted" means a final conviction, the payment of a  
17 fine, a plea of guilty or nolo contendere if accepted by the court,  
18 or a finding of guilt for a criminal law violation or a juvenile  
19 adjudication or disposition by the juvenile division of probate  
20 court or family division of circuit court for a violation that if  
21 committed by an adult would be a crime.

22 (c) "Felony" means, except as otherwise provided in this  
23 subdivision, that term as defined in section 1 of chapter I of the  
24 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
25 of a law of the United States or another state that is designated  
26 as a felony or that is punishable by death or by imprisonment for  
27 more than 1 year. Felony does not include a violation of a penal

1 law of this state that is expressly designated as a misdemeanor.

2 (d) "Mental illness" means a substantial disorder of thought  
3 or mood that significantly impairs judgment, behavior, capacity to  
4 recognize reality, or ability to cope with the ordinary demands of  
5 life, and includes, but is not limited to, clinical depression.

6 (e) "Misdemeanor" means a violation of a penal law of this  
7 state or violation of a local ordinance substantially corresponding  
8 to a violation of a penal law of this state that is not a felony or  
9 a violation of an order, rule, or regulation of a state agency that  
10 is punishable by imprisonment or a fine that is not a civil fine,  
11 or both.

12 (f) "Treatment" means care or any therapeutic service,  
13 including, but not limited to, the administration of a drug, and  
14 any other service for the treatment of a mental illness.

15 Sec. 5d. (1) If the county clerk issues a notice of statutory  
16 disqualification, fails to provide a receipt that complies with  
17 section 5b(1) or 5/(3), **FAILS TO PROVIDE AN EXEMPTION FROM THE**  
18 **PROHIBITIONS SET FORTH IN SECTION 5o**, or fails to issue a license  
19 to carry a concealed pistol as provided in this act, the department  
20 of state police fails to provide a receipt that complies with  
21 section 5/(3), or the county clerk, department of state police,  
22 county sheriff, local police agency, or other entity fails to  
23 provide a receipt that complies with section 5b(9), the applicant  
24 may appeal the notice of statutory disqualification, the failure to  
25 provide a receipt, **FAILURE TO PROVIDE AN EXEMPTION**, or the failure  
26 to issue the license to the circuit court in the judicial circuit  
27 in which he or she resides. The appeal of the notice of statutory

1 disqualification, failure to provide a receipt, **FAILURE TO PROVIDE**  
2 **AN EXEMPTION**, or failure to issue a license ~~shall~~**MUST** be  
3 determined by a review of the record for error.

4 (2) If the court determines that the notice of statutory  
5 disqualification, failure to provide a receipt that complies with  
6 section 5b(1) or (9) or 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or  
7 failure to issue a license was clearly erroneous or was arbitrary  
8 and capricious, the court shall order the county clerk to issue a  
9 license or receipt as required by this act. ~~For applications~~  
10 ~~submitted after November 30, 2015, if~~ **IF** the court determines that  
11 the notice of statutory disqualification, failure to provide a  
12 receipt that complies with section 5b(1) or (9) or 5/(3), **FAILURE**  
13 **TO PROVIDE AN EXEMPTION**, or failure to issue a license was clearly  
14 erroneous, the court may order an entity to refund any filing fees  
15 the applicant incurred in filing the appeal, according to the  
16 degree of responsibility of that entity.

17 (3) ~~For applications submitted before December 1, 2015, if the~~  
18 ~~court determines that the decision of the concealed weapon~~  
19 ~~licensing board to deny issuance of a license to an applicant was~~  
20 ~~arbitrary and capricious, the court shall order this state to pay~~  
21 ~~1/3 and the county in which the concealed weapon licensing board is~~  
22 ~~located to pay 2/3 of the actual costs and actual attorney fees of~~  
23 ~~the applicant in appealing the denial. For applications submitted~~  
24 ~~on or after December 1, 2015, if~~ **IF** the court under subsection (2)  
25 determines that the notice of statutory disqualification, failure  
26 to provide a receipt that complies with section 5b(1) or (9) or  
27 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or failure to issue a

1 license to an applicant was arbitrary and capricious, the court  
2 shall order the county clerk, the entity taking the fingerprints,  
3 or the state to pay the actual costs and actual attorney fees of  
4 the applicant in appealing the notice of statutory  
5 disqualification, failure to provide a receipt that complies with  
6 section 5b(1) or (9) or 5l(3), **FAILURE TO PROVIDE AN EXEMPTION**, or  
7 failure to issue a license, according to the degree of  
8 responsibility of the county clerk, the entity taking the  
9 fingerprints, or the state.

10 (4) If the court determines that an applicant's appeal was  
11 frivolous, the court shall order the applicant to pay the actual  
12 costs and actual attorney fees of the county clerk, entity taking  
13 the fingerprints, or the state in responding to the appeal.

14 Sec. 5o. (1) Subject to subsection (5), an individual licensed  
15 under this act to carry a concealed pistol, or who is exempt from  
16 licensure under section 12a(h), shall not carry a concealed pistol  
17 on the premises of any of the following:

18 (a) A school or school property except that a parent or legal  
19 guardian of a student of the school is not precluded from carrying  
20 a concealed pistol while in a vehicle on school property, if he or  
21 she is dropping the student off at the school or picking up the  
22 student from the school. As used in this section, "school" and  
23 "school property" mean those terms as defined in section 237a of  
24 the Michigan penal code, 1931 PA 328, MCL 750.237a.

25 (b) A public or private child care center or day care center,  
26 public or private child caring institution, or public or private  
27 child placing agency.

1 (c) A sports arena or stadium.

2 (d) A bar or tavern licensed under the Michigan liquor control  
3 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
4 primary source of income of the business is the sale of alcoholic  
5 liquor by the glass and consumed on the premises. This subdivision  
6 does not apply to an owner or employee of the business. The  
7 Michigan liquor control commission shall develop and make available  
8 to holders of licenses under the Michigan liquor control code of  
9 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
10 stating that "This establishment prohibits patrons from carrying  
11 concealed weapons". The owner or operator of an establishment  
12 licensed under the Michigan liquor control code of 1998, 1998 PA  
13 58, MCL 436.1101 to 436.2303, may post the sign developed under  
14 this subdivision.

15 (e) Any property or facility owned or operated by a church,  
16 synagogue, mosque, temple, or other place of worship, unless the  
17 presiding official or officials of the church, synagogue, mosque,  
18 temple, or other place of worship permit the carrying of concealed  
19 pistol on that property or facility.

20 (f) An entertainment facility with a seating capacity of 2,500  
21 or more individuals that the individual knows or should know has a  
22 seating capacity of 2,500 or more individuals or that has a sign  
23 above each public entrance stating in letters not less than 1-inch  
24 high a seating capacity of 2,500 or more individuals.

25 (g) A hospital.

26 (h) A dormitory or classroom of a community college, college,  
27 or university.

1           (2) Subject to subsection (5), an individual shall not carry a  
2 portable device that uses electro-muscular disruption technology on  
3 any of the premises described in subsection (1).

4           (3) An individual licensed under this act to carry a concealed  
5 pistol, or who is exempt from licensure under section 12a(h), shall  
6 not carry a concealed pistol in violation of R 432.1212 of the  
7 Michigan Administrative Code promulgated under the Michigan gaming  
8 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

9           (4) As used in subsection (1), "premises" does not include  
10 parking areas of the places identified under subsection (1).

11           (5) Subsections (1) and (2) do not apply to any of the  
12 following:

13           (a) An individual licensed under this act who is a retired  
14 police officer, retired law enforcement officer, or retired federal  
15 law enforcement officer.

16           (b) An individual who is licensed under this act and who is  
17 employed or contracted by an entity described under subsection (1)  
18 to provide security services and is required by his or her employer  
19 or the terms of a contract to carry a concealed firearm on the  
20 premises of the employing or contracting entity.

21           (c) An individual who is licensed as a private investigator or  
22 private detective under the professional investigator licensure  
23 act, 1965 PA 285, MCL 338.821 to 338.851.

24           (d) An individual who is licensed under this act and who is a  
25 corrections officer of a county sheriff's department or who is  
26 licensed under this act and is a retired corrections officer of a  
27 county sheriff's department, if that individual has received county



1 sheriff approved weapons training.

2 (e) An individual who is licensed under this act and who is a  
3 motor carrier officer or capitol security officer of the department  
4 of state police.

5 (f) An individual who is licensed under this act and who is a  
6 member of a sheriff's posse.

7 (g) An individual who is licensed under this act and who is an  
8 auxiliary officer or reserve officer of a police or sheriff's  
9 department.

10 (h) An individual who is licensed under this act and who is  
11 any of the following:

12 (i) A parole, probation, or corrections officer, or absconder  
13 recovery unit member, of the department of corrections, if that  
14 individual has obtained a Michigan department of corrections  
15 weapons permit.

16 (ii) A retired parole, probation, or corrections officer, or  
17 retired absconder recovery unit member, of the department of  
18 corrections, if that individual has obtained a Michigan department  
19 of corrections weapons permit.

20 (i) A state court judge or state court retired judge who is  
21 licensed under this act.

22 (j) An individual who is licensed under this act and who is a  
23 court officer.

24 (k) An individual who is licensed under this act and who is a  
25 peace officer.

26 **(l) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**  
27 **FROM SUBSECTIONS (1) AND (2) BY THE COUNTY CLERK. AN INDIVIDUAL IS**

1 ELIGIBLE FOR AN EXEMPTION FROM SUBSECTIONS (1) AND (2) ONLY IF THE  
2 INDIVIDUAL REQUESTS AN EXEMPTION ON HIS OR HER LICENSE APPLICATION  
3 AND 1 OR MORE OF THE FOLLOWING APPLY:

4 (i) EXCEPT AS PROVIDED IN SUBSECTION (6), THE INDIVIDUAL IS A  
5 LICENSEE OR IS APPLYING FOR AN INITIAL OR RENEWAL LICENSE OR AN  
6 EXEMPTION UNDER THIS SUBDIVISION WHO PROVIDES A CERTIFICATE  
7 INDICATING ON ITS FACE THAT THE INDIVIDUAL HAS COMPLETED NOT LESS  
8 THAN 8 HOURS OF TRAINING IN ADDITION TO THE TRAINING REQUIRED UNDER  
9 SECTIONS 5B(7) (C) AND 5J THAT SATISFIES ALL OF THE FOLLOWING  
10 CONDITIONS:

11 (A) IT INCLUDES BOTH CLASSROOM AND RANGE TIME.

12 (B) IT INCLUDES THE FIRING OF NOT FEWER THAN AN ADDITIONAL 94  
13 ROUNDS.

14 (C) IT FOCUSES ON THE TRAINING PRINCIPLES DESCRIBED IN SECTION  
15 5B(7) (C) AS THEY APPLY TO PUBLIC PLACES AND PREMISES LISTED IN  
16 SUBSECTION (1) AS LIMITED UNDER SUBSECTION (4).

17 (D) IT IS PROVIDED BY AN AGENCY OF THIS STATE OR BY A NATIONAL  
18 OR STATE FIREARMS TRAINING ORGANIZATION.

19 (E) THE TRAINING INSTRUCTOR IS CERTIFIED AS A FIREARMS  
20 INSTRUCTOR BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS  
21 TRAINING ORGANIZATION AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE  
22 TRAINING UNDER SECTION 5B(7) (C).

23 (F) THE TRAINING IS COMPLETED NOT MORE THAN 5 YEARS  
24 IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR AN ORIGINAL OR  
25 RENEWAL LICENSE OR AN EXEMPTION UNDER THIS SUBDIVISION.

26 (ii) THE INDIVIDUAL IS CERTIFIED AS A FIREARMS INSTRUCTOR BY  
27 THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING

1 ORGANIZATION, AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE TRAINING  
2 UNDER SECTION 5B(7)(C). IT IS PRIMA FACIE EVIDENCE THAT THE  
3 INDIVIDUAL IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SUBPARAGRAPH IF  
4 THE INDIVIDUAL POSSESSES A CERTIFICATE AS A FIREARMS INSTRUCTOR  
5 ISSUED BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING  
6 ORGANIZATION THAT MEETS THE REQUIREMENTS OF SECTION 5J.

7 (6) IF AN INDIVIDUAL WAS GRANTED AN EXEMPTION FROM THIS  
8 SECTION AND THE INDIVIDUAL IS APPLYING FOR A RENEWAL LICENSE WITH  
9 AN EXCEPTION, THE EDUCATIONAL REQUIREMENTS UNDER SUBSECTION  
10 (5)(l)(i) ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT  
11 HE OR SHE HAS COMPLETED AT LEAST 3 HOURS OF REVIEW OF THE TRAINING  
12 REQUIRED UNDER SUBSECTION (5)(l)(i). FOR AN INDIVIDUAL WHO IS A  
13 FIREARMS INSTRUCTOR ELIGIBLE TO PROVIDE TRAINING UNDER SECTION  
14 5B(7)(C), THE EDUCATIONAL REQUIREMENTS UNDER SUBSECTION (5)(l)(i)  
15 ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT HE OR SHE  
16 HAS COMPLETED AT LEAST 3 HOURS OF REVIEW OF THE TRAINING REQUIRED  
17 TO BECOME A FIREARMS INSTRUCTOR UNDER SECTION 5B(7)(C). THE  
18 EDUCATIONAL REQUIREMENTS OF THIS SUBSECTION ARE MET IF THE  
19 APPLICANT CERTIFIES ON THE RENEWAL APPLICATION FORM THAT HE OR SHE  
20 HAS COMPLIED WITH THE REQUIREMENTS OF THIS SUBSECTION. THE COUNTY  
21 CLERK SHALL NOT OTHERWISE REQUIRE VERIFICATION OF THE STATEMENTS  
22 MADE UNDER THIS SUBSECTION AND SHALL NOT REQUIRE AN APPLICANT TO  
23 OBTAIN A CERTIFICATE OR UNDERGO TRAINING OTHER THAN AS REQUIRED BY  
24 THIS SUBSECTION.

25 (7) THE COUNTY CLERK SHALL WITHIN 10 DAYS AFTER RECEIVING AN  
26 APPLICATION FOR AN EXEMPTION, EITHER ISSUE OR DENY ISSUANCE OF THE  
27 EXEMPTION AND SEND BY FIRST-CLASS MAIL IN A SEALED ENVELOPE A

1 REPLACEMENT LICENSE TO THE APPLICANT WITH THE EXEMPTION INDORSEMENT  
2 OR, IF THE EXEMPTION IS DENIED, A NOTICE OF DENIAL. IF THE  
3 EXEMPTION IS DENIED, THE NOTICE OF DENIAL MUST SPECIFICALLY STATE  
4 THE STATUTORY AUTHORITY FOR THE DENIAL. NOTHING IN THIS SUBSECTION  
5 PROHIBITS THE CLERK FROM MAKING A DETERMINATION REGARDING THE  
6 EXEMPTION AT THE TIME THE APPLICATION IS SUBMITTED AND IMMEDIATELY  
7 EITHER ISSUING A REPLACEMENT LICENSE TO THE APPLICANT THAT CONTAINS  
8 THE EXEMPTION INDORSEMENT OR DENYING THE EXEMPTION AND IMMEDIATELY  
9 PROVIDING THE WRITTEN NOTICE OF THE DENIAL, INCLUDING THE STATEMENT  
10 OF THE STATUTORY AUTHORITY FOR THE DENIAL, TO THE APPLICANT.

11 (8) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A  
12 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION  
13 UNDER SUBSECTION (5) (I), THE APPLICANT SHALL SURRENDER HIS OR HER  
14 LICENSE TO THE COUNTY CLERK BY MAIL OR IN PERSON IMMEDIATELY UPON  
15 RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE EXEMPTION  
16 INDORSEMENT.

17 (9) ~~(6)~~—An individual who violates this section is responsible  
18 for a state civil infraction or guilty of a crime as follows:

19 (a) Except as provided in subdivisions (b) and (c), the  
20 individual is responsible for a state civil infraction and may be  
21 fined not more than \$500.00. The court shall order the individual's  
22 license to carry a concealed pistol suspended for 6 months.

23 (b) For a second violation, the individual is guilty of a  
24 misdemeanor punishable by a fine of not more than \$1,000.00. The  
25 court shall order the individual's license to carry a concealed  
26 pistol revoked.

27 (c) For a third or subsequent violation, the individual is

1 guilty of a felony punishable by imprisonment for not more than 4  
2 years or a fine of not more than \$5,000.00, or both. The court  
3 shall order the individual's license to carry a concealed pistol  
4 revoked.